

STIP

MICHAEL N. AISEN, ESQ.
Nevada State Bar No. 11036
ADAM L. GILL, ESQ.
Nevada State Bar No. 11575
723 South 3rd Street
Las Vegas, NV 89101
P: (702) 750-1590
F: (702) 548-6884
Attorneys for Defendant
Francisco Mares

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RENATO CONSUEGRA-CLEMENTE,
Aka "Tito," and FRANCISCO JAIVER
MARES, Aka "Pancho",

Defendants.

Case No: 2:20-CR-00018-JCM-EJY

**STIPULATION TO CONTINUE
CALENDAR CALL AND TRIAL DATE**

IT IS HEREBY STIPULATED AND AGREED, by and between Allison Reese, Assistant United States Attorney, counsel for the United States of America, Adam Gill, Esq. and Michael N. Aisen, Esq., of Aisen, Gill & Associates, counsel for Defendant FRANCISCO MARES, and Rene L. Valladares, Federal Public Defender, and Paul D. Riddle, Assistant Federal Public Defender, counsel for Defendant RENATO CONSUEGRA-CLEMENTE, that the trial currently set for August 10, 2020 at 9:00 a.m., be vacated and continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

This stipulation is entered for the following reasons:

1. The parties have discussed this matter and in light of the concerns surrounding the COVID-19 virus, it is in the best interest of the Government and the Defendants that this matter be continued.

2. In addition, counsel for the defendants need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

3. Mr. Mares is not in custody and he agrees with this continuance.

4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.

5. The parties agree to the continuance.

6. The additional time requested herein is not sought for purposes of delay, but to allow counsel for defendants sufficient time within which to be able to effectively and completely investigate the discovery materials provided.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requests by this Stipulation is excludable in putting the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

8. This is the second request to continue trial dates filed herein.

DATED this 27th day of July, 2020.

/s/ Adam L. Gill
Adam L. Gill, Esq.
Counsel for Defendant
Francisco Mares

/s/ Allison Reese
Allison Reese, Esq.
Attorney for the United States
Assistant United States Attorney

/s/ Paul D. Riddle
Assistant Federal Public Defender
Counsel for Defendant
Renato Consuegra-Clemente

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**UNITED STATES DISTRICT COURT
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RENATO CONSUEGRA-CLEMENTE,
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ORDER

FINDINGS OF FACT

Based on the stipulation of Counsel, and good cause appearing, the Court finds that:

1. The parties have discussed this matter and in light of the concerns surrounding the COVID-19 virus, it is in the best interest of the Government and the Defendants that this matter be continued.
2. In addition, counsel for the defendants need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.
3. Mr. Mares is not in custody and he agrees with this continuance.
4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.
5. The parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but to allow

counsel for defendants sufficient time within which to be able to effectively and completely investigate the discovery materials provided.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

The additional time requests by this Stipulation is excludable in putting the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the calendar call currently scheduled for August 5, 2020, at the hour of 1:30 p.m., be vacated and continued to 12/30/2020 at the hour of 1:30 p.m.; and the trial currently scheduled for August 10, 2020, at the hour of 9:00 a.m., be vacated and continued to 1/4/2021 at the hour of 9:00 a.m.

Dated July 29, 2020.


UNITED STATES DISTRICT JUDGE